



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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TO: The Air Pollution Control Board

FROM: Ann S. Long
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Office of General Counsel

SUBJECT: Emergency Rulemaking for the Attainment Redesignation Rule.

DATE: July 14, 2006

In this packet for the August 2, 2006 board meeting, staff is requesting the readoption of LSA #06-18, a rule amending 326 IAC 1-4-1 regarding attainment redesignations and revocation of the one hour ozone standard.

The department also proposes that an emergency rule be adopted by the board that would allow the redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo and Warrick Counties to attainment for the eight-hour ozone standard, the redesignation of Lake County to attainment for the sulfur dioxide standard, and the revocation of the one-hour ozone standard in Indiana. The emergency rule contained in this packet contains the same language amending 326 IAC 1-4-1 as does the rule proposed for readoption. The emergency rulemaking process is described in IC 4-22-2-37.1 and provides that a qualifying rulemaking adopted as an emergency rule by the board takes effect the date and time the rule is accepted for filing by the Legislative Services Agency. An emergency rule is not reviewed by the Attorney General or the Governor's Office, and consequently, becomes effective rapidly after adoption.

The department is proposing emergency rulemaking to allow the redesignations to attainment to take effect in the named counties as soon as possible, while the readopted rule (LSA #06-18), goes through the full review process by the Attorney General's Office and the Governor. This emergency rule is temporary, as it expires ninety (90) days after acceptance for filing by the Legislative Services Agency. However, this emergency rule may be extended, if necessary, for another ninety (90) days through adoption under IC 4-22-2-37.1 at a subsequent board meeting.